

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

IN THE MATTER OF THE SEARCH of the  
1997 Gold Saturn, NC registration PDY 7290,  
currently located at the Polk County Sheriff's  
Office, 164 Industrial Access Circle, Benton,  
TN 37307

Case No. 1:19-mj- 77

**AFFIDAVIT IN SUPPORT OF**  
**AN APPLICATION FOR SEARCH WARRANT**

This Affiant, Marnie Musgrave, Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) being duly sworn, states the following:

**INTRODUCTION AND AGENT BACKGROUND**

1. I, Marnie Musgrave, state that I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the U.S. Justice Department and have been so employed since May 2008. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510(7) and am empowered by law to conduct investigations of, and to make arrests for violations of federal laws, including, but not limited to, Title 18, U.S. Code, Section 922(g). I successfully completed the Criminal Investigations Training Program (CITP) and the ATF National Academy Special Agent Basic Training (SABT) at the Federal Law Enforcement Training Center. Previous to this employment, I was employed as a Special Agent with Tennessee Bureau of Investigation (TBI) for approximately five (5) years. Three (3) out of the five (5) years, I was a Task Force Agent assigned to the Drug Enforcement Administration. During this

time I have participated in numerous drug trafficking investigations under both federal and state law. For approximately two (2) years, I conducted numerous investigations into homicides, thefts, police related shootings, and other state violations. Prior to TBI, I was employed as a police officer with the Cleveland Police Department in Cleveland, Tennessee for approximately five (5) years.

2. This affidavit is submitted in support of an application for a search and seizure warrant of the vehicle located at the following location: Polk County Sheriff's Office located at 164 Industrial Access Circle, Benton, TN 37307. As will be detailed below, your Affiant has developed probable cause to believe that Eric STILES is a convicted felon unlawfully in possession of ammunition. Accordingly, your Affiant is seeking a search warrant for this vehicle. Your Affiant believes that a search of the vehicle will provide evidence of STILE's possession of ammunition. The information is based on personal and other law enforcement personnel's knowledge and observations and of records, reports, phone calls and information from ATF and other law enforcement agencies. This affidavit is intended to support probable cause but is not intended to convey all the facts of the entire investigation.

### **INTRODUCTION**

3. Based on my training and experience and the facts set forth in this Affidavit, I respectfully submit that there is probable cause to believe that violations of Title 18, United States Code, Section 922(g) have been committed by Eric STILES.

4. This Affidavit is made in support of an application for a warrant to search for and seize ammunition from a 1997 Gold Saturn bearing NC registration PDY 7290, located at 164 Industrial Access Circle, Benton, TN 37307(described in Attachment A). I am aware that STILES has one prior felony conviction and under federal law is not allowed to possess a firearm

or ammunition.

4. The facts in this affidavit are primarily based upon information related to me from other law enforcement personnel's knowledge, observations, and information. This affidavit is also based on a statement STILES gave to law enforcement. . This affidavit is intended to support probable cause but is not intended to convey all the facts of the entire investigation.

#### **STATEMENT OF PROBABLE CAUSE**

5. Your Affiant is currently participating in an investigation involving illegal possession of ammunition by Eric STILES. This investigation conducted by the ATF and the Polk County Sheriff's Office (PCSO) involves Eric STILES as being in possession of ammunition in the Eastern District of Tennessee.

6. Title 18 United States Code, Section 922 prohibits the possession of a firearm or ammunition by a person convicted of a felony. Eric STILES' criminal history shows a conviction and sentence to time served on or about September 1, 2017, in the Western District of North Carolina, United States Federal Court. This conviction violated Title 18 United States Code, Section 922(g)(3) which prohibits possession of a firearm who is an unlawful user to any controlled substance.

7. On April 8, 2019, at 14:44, Polk County Detective Jake Wallace, Sargent Mull and Captain Keith Barker were investigating a stolen vehicle. During the course of their investigation, they were advised the stolen vehicle (Chevrolet Truck) was located at 310 McAllister Road, Copperhill, Tennessee 37317. When they arrived at the location, they observed a Saturn coming down the driveway. Captain Keith Barker observed Eric STILES driving the vehicle. Detective Wallace had prior knowledge that Eric STILES had a capias

Bench Warrant (18-CR-568) for Failing to Appear on the charge of driving on Suspended license. This warrant was issued by the Polk County General Sessions Court. Polk County detectives made contact with Eric STILES when he stopped his vehicle at a gate, which was stretched across the driveway. Eric STILES was outside the vehicle when Polk County Detectives made contact. Polk County law enforcement explained to STILES, they were investigating the theft of a Chevrolet Truck. Polk County law enforcement read Eric STILES his Miranda rights in which Eric STILES stated he understood his rights and wished to talk to law enforcement. Eric STILES stated that he drove the vehicle (Chevrolet pickup truck) to McAllister Road, Copperhill, TN., the night before. Eric STILES admitted possession of the stolen vehicle which was found to be in the driveway located at 310 McAllister Road, Copperhill, TN.

8. While still investigating the incident at 310 McAllister Road, the owner of the residence, Lisa Nicholson arrived at the location. Ms. Nicholson stated Eric STILES did not have permission to be at her residence. At the entrance to the driveway, there is a gate that extends completely across the driveway and there is a "Private Property" sign at the entrance that is clearly visible from the road. Ms. Nicholson stated she wished to press charges for Criminal Trespassing against Eric STILES. Ms. Nicholson stated she did not want the vehicle at her residence as well. A vehicle Tow Company (Boring's) was notified to tow the vehicle per Polk County policy. Also per Polk County policy, an inventory search was conducted of the vehicle. Polk County's towing and inventory policy is a written policy. As officers were performing the inventory of the vehicle, Eric STILES, (after receiving his Miranda warnings), also gave verbal consent for Polk County Sheriff's Office to search the vehicle he was driving. The vehicle in question was a 1997 Gold 4-door Saturn bearing North Carolina Registration

PDY 7290. The vehicle is registered to Michael Stiles whose residence is 925 Hiawassee Dam Access Road, Murphy, NC 28906. After a search was conducted, the following items were seized: four (4) sets of digital scales, two (2) spoons, multiple q-tips, a tourniquet, numerous homemade small containers, multiple plastic baggies and strips of aluminum foil. All of these items are associated with the use and distribution of controlled substances. Also located in the vehicle, but not seized, were one (1) Canvas Back pack, a clothes Basket with clothes, one (1) machete and black sheath, one (1) pair of bolt cutters, camouflage bag in the trunk, green carry bag with clothes, camouflage clothing, gloves and miscellaneous ammunition. These items remain in the vehicle. The vehicle was eventually towed to the Polk County Sheriff's Office, 164 Industrial Access Circle, Benton, Tennessee, 37307. Both vehicles, the stolen Chevrolet truck and the Gold Saturn were towed to this location due to security issues with Boring's vehicle lot.

9. On April 9, 2019, Polk County Detective Wallace conducted another interview with Eric STILES, while he was incarcerated at the Polk County Sheriff's Office. Eric STILES was read his Miranda Rights and agreed to give a statement. Eric STILES stated the he had obtained the ammunition, which was found in the Saturn vehicle, from a storage building located in North Carolina. Eric STILES stated it was in the vehicle because he put it there with the intention of selling the ammunition.

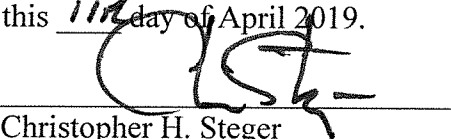
10. WHEREFORE, based upon the facts detailed above, your Affiant believes and submits there is probable cause to believe that the 1997 Gold Saturn bearing NC registration PDY 7290 will contain evidence in violation of Title 18 United States Code, Section 922. Therefore, I hereby request a warrant for the search of the vehicle described above, for the items listed below:

- a. Books, photographs, records, receipts, notes, ledgers and other papers which show the transportation, ordering, purchase, distribution, possession, sale of firearms;
- b. Books, letters, records, computerized and electronic records, receipts, bank statements and records, money drafts, letters of credit, wire transfers, safe deposit box keys, money order and cashier's check receipts, passbooks, bank checks, and other items that reflect the expenditure, obtaining, secreting, transfer or concealment of purchasing firearms;
- c. Indicia of occupancy, and/or ownership of the premises described above and other real property, including but not limited to deeds, utility and telephone bills, canceled envelopes and keys;
- d. The visual image, by way of photography, of all furnishings and equipment in, on, under, attached, or appurtenant to said vehicle;
- e. Firearms, ammunition, magazines, and gun cases, relating thereto;
- f. Any and all other material evidence of violations of 18 U.S.C. Sections 922(g)(1)

Respectfully submitted,

  
Marnie Musgrave/ATF Special Agent

Sworn to and subscribed before me  
this 11th day of April 2019.

  
Christopher H. Steger  
United States Magistrate Judge